

REMARKS

Claims 1, 6, 8, 11, and 19 have been amended. No claims have been canceled. Claims 1-20 are pending in the present application. Reexamination and reconsideration of the application as amended are respectfully requested.

The examiner rejected claims 2, 3, and 8-10 under 35 U.S.C. § 112, second paragraph. In response to the examiner's inquiry, applicant is interested in claiming a system for mounting plastic pipes wherein that system includes a support pipe. The examiner has not identified any specific § 112 deficiency so applicant has not amended any claim relating to this point.

The examiner rejected claim 8 for informalities. In response thereto, applicant has amended claim 8 to recite "said pipe" as suggested by the examiner. In view of the foregoing, applicant respectfully submits that all claims now fully comply with 35 U.S.C. § 112, second paragraph.

The examiner rejected 1-7 and 11-20 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,543,731 to Mercier in view of U.S. Patent No. D392,553 to Dill and further in view of U.S. Patent No. 5,288,047 to Pan. This rejection is respectfully traversed.

According to the examiner, Mercier allegedly discloses a system for mounting plastic pipes and shows all features of the invention except for the first and second snap fittings and the double snap-on plastic clips. The examiner relies on Dill for allegedly teaching a fitting for positioning on a support surface such as a stud through a base, and then relies on Pan for teaching a double snap-on plastic clip.

To better distinguish the present invention over the cited art, applicant has amended claim 1 to provide that the second integral, partially open, snap-on clip portion is "arranged *non-parallel* to the first partially open snap-on clip portion." Similarly, applicant has amended claim 19 to provide that in the double snap-on pipe-to-pipe fitting, the "pipes held by the double snap-on pipe-to-pipe fitting are *not parallel* to each other." Applicant has amended claim 11 to provide that the second integral, partially open, snap-on clip portion is "arranged *perpendicular* to the first partially open snap-on clip

portion.” Support for the amendment is shown in, for example, Fig. 1 of the pending application.

In contrast, the Pan reference teaches a double snap-on attachment where the attached structures are *parallel* to each other. The present invention is therefore not obvious in view of the references individually or in combination since not all the limitations are taught.

Furthermore, applicant respectfully contends that the examiner has not established *prima facie* obviousness since the examiner has not identified any motivation to combine the teachings of the base reference Mercier with the Pan reference, which teaches a connector for a decorative light bulb. Specifically, the examiner has not cited any passage from Mercier or any suggestion implied therein motivating a person skilled in the art to look to the Pan reference to find a double clip. The examiner’s stated motivation, “that the fitting easily attaches and is removed from plural support objects,” was derived from the teachings of the applicant’s own disclosure that noted the advantages of such double clips. This is improper under M.P.E.P. 2143 (“The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure”). In short, the examiner has identified no motivation anywhere in the specification of Mercier or Pan that would suggest that the two should be combined.

Furthermore, the Mercier reference in Fig. 1, for example, shows crisscrossing pipes, yet there is no use of a double clip even though Mercier recognized the utility of single clips. It follows that Mercier did not recognize the problem solved by the present invention by use of the double clip. In other words, since Mercier teaches use of single clips on crisscrossing pipes as shown in Fig. 1 of Mercier, yet Mercier did not contemplate using a double clip, applicant contends that there was no motivation explicitly set forth or suggested by Mercier for using the double clip shown in Pan.

Conversely, Pan is directed to a connector for decorative light bulbs, and there is no suggestion or motivation provided in its specification for combining its teachings with plumbing fixtures as taught in Mercier. Without any motivation or suggestion to

combine the references, applicant respectfully submits that it is improper to combine Mercier with Pan. For the reasons given above, applicant respectfully submits that the amended claims are not obvious in view of the cited references.

The examiner rejected claims 8-10 under 35 U.S.C. § 103 over Dill. According to the examiner, Dill teaches all limitations including “outwardly extending jaws.” To better define the present invention over the cited reference, applicant has amended claim 8 to provide that the snap-on portion has “outwardly extending *U-shaped* jaws.” The implication of applicant’s amendment is that the two projecting portions of the “jaws” are cantilevered to the base as shown in the drawing figures (forming a U-shape), while the Dill design patent reference shows a C-shaped clamp. Since Dill is a design patent with minimal textural description of the structure, and since the drawings do not show a U-shaped jaw, applicant contends that amended claim 8 is not obvious in view of Dill. That is, Dill does not teach or suggest a snap-on clip portion with “outwardly extending U-shaped jaws.”

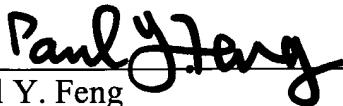
Lastly, applicant has amended claim 6 in the preamble to provide “a system” to be consistent with the other claims in this group. The purpose of this amendment is therefore not for patentability.

Applicant has filed with this response an Information Disclosure Statement citing the references set forth in the patent application. Applicant respectfully requests that these references be considered by the examiner.

In view of the foregoing, applicant respectfully submits that all claims are now in condition for allowance. Reexamination and reconsideration of the application are respectfully requested and allowance at an early date is solicited.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Paul Y. Feng
Registration No. 35,510

PYF:gbr

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

61020.1